

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-5, 7-13, and 15-19 are pending in the application, with claims 1 and 13 being the independent claims. Claims 7, 10, 15, and 17 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 1, 2, 5, 6, and 10

In section 2 of the Office Action, claims 7, 10, 15, and 17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Office Action states that these claims depend on a canceled claim. Applicants have amended the claims accordingly.

Rejections under 35 U.S.C. § 103

Claims 1-6 and 10

In section 4 of the Office Action, claims 1, 2, 5, 6, and 10 were rejected as being unpatentable over U.S. Patent No. 5,937,162 to Funk *et al.* (hereinafter Funk) in view of U.S. Patent No. 5,966,695 to Melchione *et al.* (hereinafter Melchione) (claims 3 and 4 were also rejected on pages 4 and 5 of the Office Action). Applicants respectfully traverse this rejection.

Applicants assert that the Office Action does not establish a *prima facie* case of obviousness for at least the reason that Funk and Melchione, alone or in any rational combination, do not teach each and every feature of independent claim 1. (See MPEP 2143).

Independent claim 1 calls for *sending to each of the at least one email target a corresponding custom email, wherein the custom email is formed from the email campaign template.*

The Office Action relies on e-mail message 300 of Funk to allegedly teach the message template of Applicants' claim 1. The Office Action further relies on a temporary file, as described with respect to FIG. 5 of Funk, to allegedly teach the configuration file of Applicants' claim 1. Following this logic, generating an email campaign template, as recited in Applicants' claim 1, would include generating e-mail message 300 and generating the temporary file. However, Applicants' claim 1 calls for *sending to each of the at least one email target a corresponding custom email, wherein the custom email is formed from the email campaign template.*

Using the Examiner's logic erroneously suggests that in Funk a custom email is formed from e-mail message 300 and the temporary file. Nothing in Funk even suggests that a custom email is formed from e-mail message 300 and the temporary file. Instead, Funk specifically states that the temporary file is filled in with information from various databases, and the temporary file is translated into individual e-mail messages for each subscriber in accordance with Internet transfer protocols. (Funk, Col. 7, lines 57-67 and Col. 8, lines 59-63). An e-mail message created by translating the temporary file is not the same as a custom email formed from the email campaign template (the message template and the configuration file), as recited in Applicants' claim 1.

Thus, Funk fails to teach or suggest *sending to each of the at least one email target a corresponding custom email, wherein the custom email is formed from the email campaign template*, as set forth in Applicants' claim 1.

Moreover, Applicants assert that Melchione does not provide the teachings missing from Funk. Thus, independent claim 1 is patentable over Funk and Melchione, alone or in any rational combination. Therefore, reconsideration and withdrawal of the rejection of independent claim 1 is respectfully requested.

Furthermore, claims 2-5 and 10, which depend from claim 1, also distinguish over Funk and Melchione for at least reasons similar to those set forth above with respect to independent claim 1, and further in view of their own respective features. Therefore, reconsideration and withdrawal of the rejection of claims 2-5 and 10 is respectfully requested. Claim 6 was previously canceled, rendering the rejection of claim 6 moot.

Claims 7-9, 11, and 12

In section 5 of the Office Action, claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Funk in view of Melchione and further in view of U.S. Patent No. 6,360,254 to Linden *et al.* (hereinafter Linden). In section 6 of the Office Action, claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Funk in view of Melchione and further in view of U.S. Patent No. 6,377,936 to Henrick *et al.* (hereinafter Henrick). Applicants respectfully traverse these rejections.

Applicants assert that claims 7-9, 11, and 12, which depend from claim 1, also distinguish over Funk and Melchione for reasons similar to those set forth above with respect to independent claim 1, and further in view of their own respective features. Furthermore, Applicants assert that Linden and Henrick, alone or in any rational combination, do not provide the missing teachings. Thus, Applicants assert that claims

7-9, 11, and 12 are patentable over Funk, Melchione, Linden, and Henrick, alone or in any rational combination. Therefore, Applicants respectfully request that these rejections be reconsidered and withdrawn.

Claims 13 and 15-19

In section 7 of the Office Action, claims 13, 15, and 16 were rejected as being unpatentable over Funk in view of Henrick. Applicants respectfully traverse this rejection.

Independent claim 13 also distinguishes over Funk for at least reasons similar to those set forth above with respect to independent claim 1, and further in view of its own features. Furthermore, Applicants assert that Henrick does not provide the teachings missing from Funk. Thus, Applicants assert that independent claim 13 is patentable over Funk and Henrick, alone or in any rational combination. Therefore, Applicants respectfully request that the rejection of independent claim 13 be reconsidered and withdrawn.

Furthermore, claims 15 and 16, which depend from claim 13, also distinguish over Funk and Henrick for at least reasons similar to those set forth above with respect to independent claim 13, and further in view of their own respective features. Therefore, reconsideration and withdrawal of the rejection of claims 15 and 16 is respectfully requested.

In section 8 of the Office Action, claims 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Funk in view of Henrick and further in view of Linden. Applicants respectfully traverse this rejection.

Applicants assert that claims 17-19, which depend from claim 13, also distinguish over Funk and Henrick for reasons similar to those set forth above with respect to

independent claim 13, and further in view of their own respective features. Furthermore, Applicants assert that Linden does not provide the missing teachings. Thus, Applicants assert that claims 17-19 are patentable over Funk, Henrick, and Linden, alone or in any rational combination. Therefore, Applicants respectfully request that the rejection of claims 17-19 be reconsidered and withdrawn.

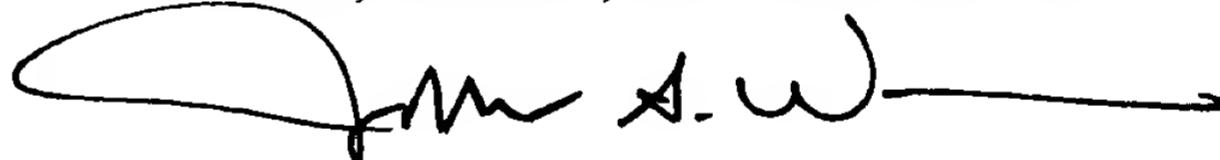
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey S. Weaver
Attorney for Applicants
Registration No. 45,608

Date: 11-2-05

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

458770v1